

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2005-0256-MWD-E **TCEQ ID:** RN101611580 **CASE NO.:** 24701
RESPONDENT NAME: City of Blossom

Page 1 of 2

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Blossom Wastewater Treatment Facility, approximately 3,000 feet southwest of the intersection of United States Highway 82 and Farm-to-Market ("FM") Road 1502, approximately 4,000 feet east of the intersection of FM Roads 194 and 196, Lamar County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on May 28, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Laurie Eaves, Enforcement Division, Enforcement Team I, MC 169, (512) 239-4495; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 TCEQ Central Office Investigator: Mr. Stuart Beckley, Enforcement Division, Compliance Monitoring Team, MC 224, (512) 239-3565 Respondent: The Honorable Roger S. Johnson, Mayor, City of Blossom, P.O. Box 297, Blossom, Texas 75416 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 30, 2004</p> <p>Date of NOE Relating to this Case: January 19, 2005 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with permitted effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10715002, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$10,221</p> <p>Total Deferred: \$2,044 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$8,177</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>2) The Order will also require the Respondent to, within 180 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. 10715002 and submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>

Attachment A
Docket Number: 2005-0256-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Blossom
Penalty Amount:	Eight Thousand One Hundred Seventy-Seven Dollars (\$8,177)
SEP Offset Amount:	Eight Thousand One Hundred Seventy-Seven Dollars (\$8,177)
Type of SEP:	Custom (with pre-approved concept)
Location of SEP:	Lamar County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall provide assistance to repair or replace failing or inadequately designed private sewer lines, access units, and clean-outs for low-income residents. SEP monies will be used to replace approximately 1,100 linear feet of sewer lines, install two manholes, and provide cleanouts on the lines at approximately fourteen (14) residences on Sunset Street located in Lamar County. The failure of these existing lines has resulted in overflows of untreated sewage to the environment, causing unsanitary conditions and environmental concerns.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated labor and materials costs, according to TCEQ expenditure restrictions on the use of SEP funds. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of residences connected to central sewer;
5. Map showing specific location of residences;
6. Photographs of the project; and
7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3

above.

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the “Clean Texas” (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision December 10, 2004

DATES	Assigned	25-Jan-2005	PCW	27-Feb-2007	Screening	03-Feb-2005	Priority Due	26-Mar-2005	EPA Due	
--------------	-----------------	-------------	------------	-------------	------------------	-------------	---------------------	-------------	----------------	--

RESPONDENT/FACILITY INFORMATION

Respondent	City of Blossom
Reg. Ent. Ref. No.	RN101611580
Additional ID No(s).	TPDES Permit No. 10715002
Facility/Site Region	5-Tyler
Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	24701	No. of Violations	1
Docket No.	2005-0256-MWD-E	Order Type	1660 Order
Case Priority	3	Enf. Coordinator	Laurie Eaves
Media Program(s)	Water Quality	EC's Team	Enforcement Team 1
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	185% Enhancement	Subtotals 2, 3, & 7	\$7,400
---------------------------	------------------	--------------------------------	---------

Notes	The Respondent self-reported 37 months of effluent quality violations.
--------------	--

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.
--------------	--

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
------------------------------------	--------------	-------------------	-----

	Before NOV	NOV to EDRP/Settlement Offer
--	------------	------------------------------

Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes	The Respondent does not meet the good faith criteria.
--------------	---

Economic Benefit	0% Enhancement*	Subtotal 6	\$0
-------------------------	-----------------	-------------------	-----

Total EB Amounts	\$1,127	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,400
-----------------------------	-----------------------	----------

OTHER FACTORS AS JUSTICE MAY REQUIRE	-10.35 Reduction	Adjustment	-\$1,179
---	------------------	-------------------	----------

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes	Recommended reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount.
--------------	--

Final Penalty Amount	\$10,221
-----------------------------	----------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$10,221
-----------------------------------	-------------------------------	----------

DEFERRAL	20% Reduction	Adjustment	-\$2,044
-----------------	---------------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral offered for expedited settlement.
--------------	--

PAYABLE PENALTY	\$8,177
------------------------	---------

Screening Date	03-Feb-2005	Docket No.	2005-0256-MWD-E	PCW
Respondent	City of Blossom	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	24701	<i>PCW Revision December 10, 2004</i>		
Reg. Ent. Reference No.	RN101611580			
Additional ID No(s)	TPDES Permit No. 10715002			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			
Site Address	Approximately 3,000 feet southwest of the intersection of United States Highway 82 and Farm-to-Market ("FM") Road 1502, approximately 4,000 feet east of the intersection of FM Roads 194 and 196, Lamar County			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	37	185%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 185%

>> Repeat Violator (Subtotal 3)

No **Adjustment Percentage (Subtotal 3)** 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer **Adjustment Percentage (Subtotal 7)** 0%

>> Compliance History Summary

Compliance History Notes The Respondent self-reported 37 months of effluent quality violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 185%

Screening Date	03-Feb-2005	Docket No.	2005-0256-MWD-E	PCW
Respondent	City of Blossom	Policy Revision 2 (September 2002)		
Case ID No.	24701	PCW Revision December 10, 2004		
Reg. Ent. Reference No.	RN101611580			
Additional ID No(s).	TPDES Permit No. 10715002			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 10715002 Effluent Limitations and Monitoring Requirements Nos. 1, 3 and 6, and Tex. Water Code § 26.121(a)			
Secondary Rule Cite(s)				
Violation Description	Failure to comply with permitted effluent limitations as detailed in the effluent violation chart, as documented during a September 30, 2004 record review.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

	Harm				
	Major	Moderate	Minor		
Release					
Actual			X		
Potential					

Percent 10%

>> Programmatic Matrix

	Major	Moderate	Minor		
Falsification					

Percent

Matrix Notes A simplified model was used to evaluate (BOD5). TSS, DO, pH, and excess daily flow were also considered. Insignificant amounts of pollutants were discharged which did not exceed protective levels.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 4

	daily				
	monthly				
mark only one	quarterly	X			
use a small x	semiannual				
	annual				
	single event				

Four quarterly events are recommended.

Violation Base Penalty \$4,000

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$1,127	\$10,221
This violation Final Assessed Penalty (adjusted for limits)	
\$10,221	

Economic Benefit Worksheet

Respondent City of Blossom
 Case ID No. 24701
 Reg. Ent. Reference No. RN101611580
 Additional ID No(s). TPDES Permit No. 10715002
 Media [Statute] Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
------	-----------	---------------	------------	-----	----------------	----------------	-----------

Description No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$5,000	01-Mar-2003	01-Sep-2007	4.5	\$1,127	n/a	\$1,127
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Amount budgeted by the City to have the sludge removed from the lagoons to allow for adequate treatment and retention time, and for additional oversight, inspection and repairs to reduce or prevent exceedances, from the date the violations began until the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costsApprox. Cost of Compliance **\$5,000****TOTAL** **\$1,127**

Effluent Violation Chart

City of Blossom

RN101611580

Docket No. 2005-0256-MWD-E

Month/Year	BOD5 Daily Average Loading	BOD5 Daily Average Concentration	BOD5 Single Grab	TSS Daily Average Loading	TSS Daily Average Concentration	pH	DO	Daily Flow
	50 lbs/day	30 mg/L	100 mg/l	150 lbs/day	90 mg/l	6.0 s.u.- 9.0 s.u.	4.0 mg/l	0.20 MGD
March 2003	57.13	c	104.8	c	c	c	c	0.242432
April 2003	c	c	c	c	c	9.1	c	c
May 2003	c	c	c	c	117.57	9.3	c	c
June 2003	57.42	c	c	269.95	c	9.2	c	0.254913
July 2003	c	c	104.1	c	c	9.5	c	c
August 2003	c	c	c	c	c	c	3.6	c
September 2003	c	c	c	c	139.97	9.6	c	c
October 2003	c	c	c		c	10.2	c	c
November 2003	53.68	c	113.1	170.19	c	9.4	c	c
December 2003	c	31.4	157	c	c	11.1	c	c
February 2004	c	c	103.8	c	c	c	c	0.233113

BOD5 = five-day biochemical oxygen demand
c = compliant

TSS = total suspended solids
lbs/day = pounds per day

DO = dissolved oxygen
mg/L = milligrams per liter

Compliance History

Customer/Respondent/Owner-Operator: CN600658421 City of Blossom Classification: AVERAGE Rating: 2.430
 Regulated Entity: RN101611580 CITY OF BLOSSOM Classification: AVERAGE Site Rating: 2.43
 ID Number(s):

WASTEWATER	PERMIT	WQ0010715002
WASTEWATER	PERMIT	TPDES0075957
WASTEWATER	PERMIT	WQ0010715002
WASTEWATER LICENSING	LICENSE	WQ0010715002
WASTEWATER	PERMIT	TX0075957000

Location: Approximately 3,000 feet southwest of the intersection of United States Highway 82 and Farm-to-Market ("FM") Road 1502, approximately 4,000 feet east of the intersection of FM Roads 194 and 196, Lamar County

Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: March 2, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 24, 2000 to February 24, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Lori Thompson Phone: 903-535-5116

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 10/19/2001 (202216)
- 2 09/19/2002 (202215)
- 3 09/13/2001 (202214)
- 4 08/19/2002 (202213)
- 5 09/09/2001 (202212)
- 6 07/22/2002 (202211)
- 7 08/07/2001 (202210)
- 8 06/20/2002 (202209)
- 9 08/09/2001 (202208)
- 10 05/17/2002 (202207)
- 11 04/28/2003 (202206)

12 04/15/2002 (202205)
 13 03/20/2003 (202204)
 14 03/21/2002 (202203)
 15 02/21/2002 (202202)
 16 02/18/2003 (314014)
 17 06/01/2004 (359802)
 18 06/28/2004 (359803)
 19 02/27/2004 (314015)
 20 07/21/2004 (359804)
 21 03/18/2004 (314016)
 22 08/09/2004 (359805)
 23 04/19/2004 (314017)
 24 09/22/2004 (359806)
 25 05/23/2003 (314018)
 26 10/19/2004 (359807)
 27 06/26/2003 (314019)
 28 07/30/2003 (314020)
 29 09/02/2003 (314021)
 30 10/01/2003 (314022)
 31 01/20/2005 (336262)
 32 10/17/2003 (314023)
 33 12/01/2003 (314024)
 34 11/29/2003 (314025)
 35 03/29/2001 (38916)
 36 01/23/2004 (314026)
 37 11/30/2004 (337150)
 38 06/05/2003 (31281)
 39 01/24/2003 (202223)
 40 01/17/2002 (202222)
 41 12/19/2002 (202221)
 42 12/20/2001 (202220)
 43 11/18/2002 (202219)
 44 11/08/2001 (202218)
 45 10/17/2002 (202217)
 46 09/30/2004 (DMR)
 47 10/31/2004 (DMR)
 48 11/30/2004 (DMR)
 49 12/31/2004 (DMR)
 50 01/31/2005 (DMR)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 08/31/2002 (202215)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2001 (202214)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2002 (202213)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2001 (202212)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2002 (202211)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2001 (202210)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2002 (202209)
 Self Report? YES Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 05/31/2001	Description: Failure to meet the limit for one or more permit parameter (202208)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 04/30/2002	Description: Failure to meet the limit for one or more permit parameter (202207)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 03/31/2003	Description: Failure to meet the limit for one or more permit parameter (202206)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 03/31/2002	Description: Failure to meet the limit for one or more permit parameter (202205)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 02/28/2003	Description: Failure to meet the limit for one or more permit parameter (202204)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 01/31/2003	Description: Failure to meet the limit for one or more permit parameter (314014)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 06/30/2004	Description: Failure to meet the limit for one or more permit parameter (359804)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 02/29/2004	Description: Failure to meet the limit for one or more permit parameter (314016)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 07/31/2004	Description: Failure to meet the limit for one or more permit parameter (359805)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 03/31/2004	Description: Failure to meet the limit for one or more permit parameter (314017)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 08/31/2004	Description: Failure to meet the limit for one or more permit parameter (359806)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 04/30/2003	Description: Failure to meet the limit for one or more permit parameter (314018)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 09/30/2004	Description: Failure to meet the limit for one or more permit parameter (359807)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 05/31/2003	Description: Failure to meet the limit for one or more permit parameter (314019)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 06/30/2003	Description: Failure to meet the limit for one or more permit parameter (314020)	Classification: Moderate
Self Report? YES		

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 07/31/2003	Description: Failure to meet the limit for one or more permit parameter (314021)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 08/31/2003	Description: Failure to meet the limit for one or more permit parameter (314022)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 09/30/2003	Description: Failure to meet the limit for one or more permit parameter (314023)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 10/31/2003	Description: Failure to meet the limit for one or more permit parameter (314024)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 11/30/2003	Description: Failure to meet the limit for one or more permit parameter (314025)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 12/31/2003	Description: Failure to meet the limit for one or more permit parameter (314026)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 12/31/2002	Description: Failure to meet the limit for one or more permit parameter (202223)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 12/31/2001	Description: Failure to meet the limit for one or more permit parameter (202222)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 11/30/2002	Description: Failure to meet the limit for one or more permit parameter (202221)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 10/31/2002	Description: Failure to meet the limit for one or more permit parameter (202219)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 09/30/2002	Description: Failure to meet the limit for one or more permit parameter (202217)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 09/30/2001	Description: Failure to meet the limit for one or more permit parameter (202216)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 12/31/2004	(DMR)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
Date: 10/31/2004	Description: Failure to meet the limit for one or more permit parameter (DMR)	Classification: Moderate
Self Report? YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]	
	Description: Failure to meet the limit for one or more permit parameter	

Date: 01/31/2005 (DMR)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING THE
CITY OF BLOSSOM
RN101611580**

**§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0256-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Blossom ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located approximately 3,000 feet southwest of the intersection of United States Highway 82 and Farm-to-Market ("FM") Road 1502, approximately 4,000 feet east of the intersection of FM Roads 194 and 196, Lamar County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about January 24, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Ten Thousand Two Hundred Twenty-One Dollars (\$10,221) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eight Thousand One Hundred Seventy-Seven Dollars (\$8,177) shall be conditionally offset by the City's completion of a Supplemental Environmental Project and Two Thousand Forty-Four Dollars (\$2,044) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply

requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have failed to comply with permitted effluent limitations as detailed in the chart below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10715002, Effluent Limitations and Monitoring Requirements Nos. 1, 3, and 6, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on September 30, 2004.

Month/Year	BOD5 Daily Average Loading	BOD5 Daily Average Concentration	BOD5 Single Grab	TSS Daily Average Loading	TSS Daily Average Concentration	pH	DO	Daily Flow
	50 lbs/day	30 mg/L	100 mg/l	150 lbs/day	90 mg/l	6.0 s.u.- 9.0 s.u.	4.0 mg/l	0.20 MGD
March 2003	57.13	c	104.8	c	c	c	c	0.242432
April 2003	c	c	c	c	c	9.1	c	c
May 2003	c	c	c	c	117.57	9.3	c	c
June 2003	57.42	c	c	269.95	c	9.2	c	0.254913
July 2003	c	c	104.1	c	c	9.5	c	c
August 2003	c	c	c	c	c	c	3.6	c
September 2003	c	c	c	c	139.97	9.6	c	c
October 2003	c	c	c		c	10.2	c	c
November 2003	53.68	c	113.1	170.19	c	9.4	c	c
December 2003	c	31.4	157	c	c	11.1	c	c
February 2004	c	c	103.8	c	c	c	c	0.233113

BOD5 = five-day biochemical oxygen demand
c = compliant

TSS = total suspended solids
lbs/day = pounds per day

DO = dissolved oxygen
mg/L = milligrams per liter

III. DENIALS

The City generally denies the allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Blossom, Docket No. 2005-0256-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, Eight Thousand One Hundred Seventy-Seven Dollars (\$8,177) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall, within 180 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limits contained in TPDES Permit No. 10715002 and submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/25/07

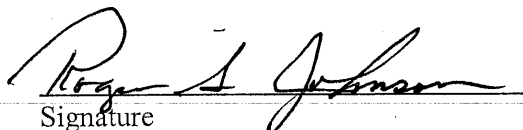
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

3-15-07

Date

Roger S. Johnson

Name (Printed or typed)
Authorized Representative of the
City of Blossom

Mayer

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

10-10-82

Attachment A
Docket Number: 2005-0256-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Blossom

Penalty Amount: Eight Thousand One Hundred Seventy-Seven Dollars (\$8,177)

SEP Offset Amount: Eight Thousand One Hundred Seventy-Seven Dollars (\$8,177)

Type of SEP: Custom (with pre-approved concept)

Location of SEP: Lamar County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall provide assistance to repair or replace failing or inadequately designed private sewer lines, access units, and clean-outs for low-income residents. SEP monies will be used to replace approximately 1,100 linear feet of sewer lines, install two manholes, and provide cleanouts on the lines at approximately fourteen (14) residences on Sunset Street located in Lamar County. The failure of these existing lines has resulted in overflows of untreated sewage to the environment, causing unsanitary conditions and environmental concerns.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease; sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated labor and materials costs, according to TCEQ expenditure restrictions on the use of SEP funds. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of residences connected to central sewer;
5. Map showing specific location of residences;
6. Photographs of the project; and
7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Texas Commission on Environmental Quality
Financial Administration Division, Revenues
Attention: Cashier, MC 214
P.O. Box 13088
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3

above.

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the “Clean Texas” (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

